

REMARKS**Claims Amendment**

Claims 27 and 39 has been cancelled. This amendment introduces no new matter.

Restriction Requirement is Traversed

The Examiner issued a requirement for restriction of the present invention. The Examiner restricted the claims into Group I (Claims 20-31 to a proton-conducting membrane), Group II (Claims 32-36 to a mixture), Group III (Claims 37-39, to a membrane-electrode unit), and Group IV (Claim 40 drawn to a fuel cell).

Applicants traverse the restriction requirement. Applicants note that the base claims of Group I, III and IV, namely Claims 20, 37 and 40 share the same steps. As such, Claims 20, 37 and 40 share the special technical feature under PCT Rule 13.2. Rule 13.2 defines the “special technical feature” as a technical feature that defines *a contribution which the invention, considered as a whole, makes over the prior art.*

Applicants note that the International Examiner did not find unity of invention lacking. Furthermore, in order to show that the present claims lack unity of invention, the Examiner needs to demonstrate that the special technical feature shared by Claims 20, 37 and 40 is not novel in view of prior art. No such demonstration has been made. Accordingly, Applicants submit that the restriction is improper. Moreover, Applicants note that because Claims 20, 37 and 40 share the same steps, examination of these claims places no additional burden on the Examiner. Applicants request a rejoinder of Groups I, III and IV.

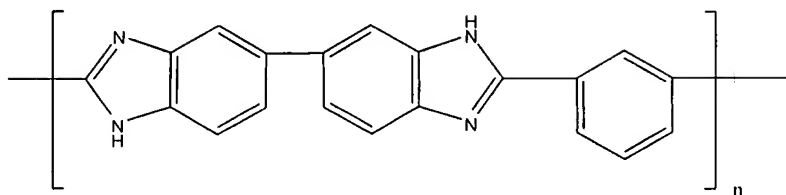
Similarly, base claim of Group II (Claim 32) is drawn to the subject matter also claimed in dependent Claim 23. As such, Claim 32 does not require any additional search compared to searching Group I. Applicants request rejoinder of Groups I and II.

Response to the Restriction Requirement

Responsive to the restriction requirement, Applicants hereby elect the invention of Group I, Claims 20-31, for further prosecution on merits.

Responsive to the requirement for election of species for the purposes of searching, Applicants elect:

(1) The polymer of the following formula



as a species of the polymer used in step (a) of Claims 20, 37 and 40 (the first formula on page 14 of the English-language translation of the specification as filed); claims readable on the elected species are Claims 20-31.

(2) Vinylsulfonic acid as a species of vinyl-containing sulfonic acid; claims readable on the elected species are Claim 20-31.

(3) Vinylphosphonic acid as a species of the vinyl-containing phosphonic acid; claims readable on the elected species are Claims 20-31.

(5) Platinum as a species of catalytically active particles (as disclosed on page 35, lines 10-11 of the English translation of the specification as filed); claims readable on the elected species is Claim 31.

With respect to species (4), a species of the crosslinking monomer, Applicants cancelled Claim 27. As a result, the requirement for the election of a species of the crosslinking monomer issued by the Examiner is moot.

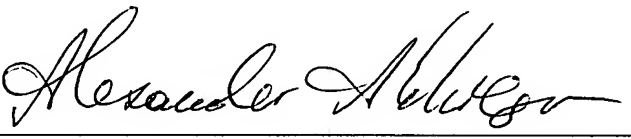
Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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